

analysis, allegations or evidence to the contrary. In fact, Voltage failed to address the faultiness of its claim in any way. Since Voltage has no standing to bring a claim under the Copyright Act for infringement of the motion picture *Maximum Conviction*, Voltage's suit against Defendant should be dismissed.

B. This Court may dismiss Voltage's case against Defendant without the need to determine who actually holds the requisite rights.

In an attempt to circumvent the question of whether Voltage is the owner of the exclusive rights needed to bring a claim under the Copyright Act, and thus whether Voltage is a proper party to this suit, counsel for Voltage has amended the Complaint to also assert that Maxcon Productions is also a plaintiff in this case - and that somehow, between the two entities, *someone* owns the rights necessary to bring a claim for infringement of the motion picture. However, even if counsel's addition of a party is proper, it does not cure the defects of Voltage's claims against Defendant. Whether some other entity may have claims against Defendant is irrelevant to the fact that Voltage clearly does not. As such, Voltage's suit against Defendant should be dismissed.

CONCLUSION

Because Voltage lacks ownership of any exclusive right conveying standing under the Copyright Act, this Court lacks subject matter jurisdiction and should issue an Order dismissing this case.

DATED November 4, 2013.

Respectfully submitted,

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